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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in the Central African Republic

1. At its 58th formal meeting on 17 May 2016, the Working Group on Children and Armed Conflict examined the third report of the Secretary-General on children and armed conflict in the Central African Republic (S/2016/133), covering the period from January 2011 to December 2015, which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. A representative from the Permanent Mission of the Central African Republic to the United Nations also addressed the Working Group.

2. The members of the Working Group welcomed the report of the Secretary-General, submitted in accordance with Security Council resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2225 (2015) and took note of the analysis and recommendations contained therein.

3. The members of the Working Group expressed grave concern over serious violations and abuses committed throughout the reporting period against children in the context of armed conflict in the Central African Republic by parties to the conflict. They noted the significant increase in the recruitment and use of children by armed groups, the killing and maiming of children in brutal reprisal attacks and the recurrence of rape and other forms of sexual violence against children. They also deplored the abduction of children, committed largely by the Lord's Resistance Army, and noted the worrisome rise in abduction cases in the past year.

4. They also expressed deep concern over the allegations of sexual exploitation and abuse by United Nations peacekeepers and non-United Nations forces against children in the Central African Republic and took note of measures being taken by the United Nations and investigations undertaken by national authorities to address the issue.

5. The members of the Working Group emphasized the need to fight impunity and hold accountable all perpetrators of violations and abuses against children. They further highlighted the importance of rebuilding State institutions and child protection systems in the Central African Republic, including by ensuring access to education and health care for children.

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6. The representative of the Permanent Mission of the Central African Republic affirmed the commitment of the new Government to work with all relevant parties, including the Special Representative of the Secretary-General for Children and Armed Conflict and the United Nations, to end and prevent the recruitment and use of children in violation of applicable international law. The statement made by the representative of the Permanent Mission of the Central African Republic to the United Nations is annexed to the present conclusions.

7. Further to the meeting and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2225 (2015) on children and armed conflict, resolution 2272 (2016) on United Nations peacekeeping operations, and resolution 2286 (2016) on protection of civilians in armed conflict, the Working Group agreed to the direct action as set out below.

Public statement by the Chair of the Working Group

8. The Working Group agreed to address a message, through a public statement by its Chair, to the following:

I. All armed groups operating in the Central African Republic, in particular the ex-Séléka coalition and associated armed groups, local defence militias known as anti-Balaka and the Lord's Resistance Army mentioned in the report of the Secretary-General

(a) *Expressing its strongest condemnation* of all continuing violations and abuses committed against children in the Central African Republic, and urging them to immediately end and prevent all violations of applicable international law involving the recruitment and use of children, the killing and maiming of children, rape and other forms of sexual violence, abduction of children, attacks against schools and hospitals and denial of humanitarian access;

(b) *Expressing deep concern* over the widespread recruitment and use of children by armed groups, expressing concern over the use of children as shields in attacks against United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) forces by the anti-Balaka, strongly urging all armed groups to immediately and without preconditions release all children associated with them and cease further recruitment and use of children, including the re-recruitment of children who have been released;

(c) *Deploring* all acts of violence targeting children on the basis of their religion, including those involving the killing and maiming of children, as well as rape and other forms of sexual violence against children, and urging all armed groups to cease such violations and abuses and pursue reconciliation;

(d) *Recognizing* the continued importance of tackling sexual violence in the Central African Republic, and urging them to take immediate and specific measures to put an end to and prevent the perpetration of rape and other forms of sexual violence against children by members of the respective groups;

(e) *Calling upon* them to comply with applicable international law and to respect the civilian character of schools and hospitals, including their personnel, and to end and prevent attacks or threats of attacks against those institutions and their

personnel, as well as the military use of schools and hospitals, in violation of applicable international law;

(f) *Recalling* resolution 2286 (2016) and further calling upon them to ensure respect for and protection of all medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities;

(g) *Urging* armed groups, in particular LRA, to cease the abduction of children and all violations and abuses committed against abducted children, and to immediately release without preconditions all abducted children in their captivity to relevant civilian child protection actors;

(h) *Emphasizing* that the denial of humanitarian assistance can constitute a violation of international humanitarian law and have a serious impact on children, and calling for humanitarian actors, including the United Nations and its humanitarian partners, to be given full, safe and unhindered access for the delivery of timely humanitarian assistance to the affected population, including children, in accordance with United Nations guiding principles of humanitarian assistance and relevant provisions of international law;

(i) *Calling upon* armed groups to publicly express their commitment to end and prevent all violations and abuses committed against children and to expeditiously develop, adopt and implement time-bound action plans in line with Security Council resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2225 (2015);

(j) *Welcoming* in this regard the commitment signed on 5 May 2015 by 10 armed groups,[1] including factions of the ex-Séléka and anti-Balaka, to end and prevent the recruitment and use of children, urging them to abide by their commitments, release all children associated with them and further develop and implement action plans in cooperation with the United Nations;

(k) *Further welcoming* the command orders prohibiting the recruitment and use of children issued by the Rassemblement patriotique pour le renouveau de la Centrafrique (RPRC) and the Unité du peuple centrafricain (UPC) factions of the ex-Séléka, which have led to the release of children from their ranks, and calling for continued enforcement of such orders;

(l) *Noting* that the situation in the Central African Republic since 1 August 2012 was referred by the national authorities to the International Criminal Court on 30 May 2014 and that the Prosecutor of the Court announced a decision on 24 September 2014 to open an investigation into the alleged perpetration by all parties, including the ex-Séléka and anti-Balaka groups, of crimes against humanity and war crimes, including the use of children in armed combat, and that some acts mentioned in paragraph 8 (a) above may amount to crimes under the Rome Statute

[1] The 10 groups which signed the commitment were the anti-Balaka faction; the Front démocratique pour le progrès de la Centrafrique (FDPC); Front populaire pour la renaissance de la Centrafrique (FPRC); Mouvement des libérateurs centrafricains pour la justice (MJLC); Rassemblement patriotique pour le renouveau de la Centrafrique (RPRC); Révolution et justice (RJ); Seleka rénovée; Unité du peuple centrafricain (UPC); Union des Forces républicaines (UFR); and Union des forces républicaines fondamentales (UFRF).

of the International Criminal Court, to which the Central African Republic is a State party;

(m) *Recalling* that the Security Council, by its resolution 2262 (2016), renewed until 31 January 2017 the financial and travel measures imposed by resolutions 2127 (2013) and 2134 (2014), which apply to individuals and entities as designated by the Committee established pursuant to paragraph 57 of resolution 2127 (2013), for actions that undermine the peace, stability or security of the Central African Republic such as:

(i) Being involved in planning, directing or committing acts that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations in the Central African Republic, including acts involving sexual violence, targeting of civilians, ethnic or religious-based attacks, attacks on schools and hospitals, abduction and forced displacement;

(ii) Recruiting or using children in armed conflict in the Central African Republic, in violation of applicable international law;

(iii) Obstructing the delivery of humanitarian assistance to the Central African Republic, or access to or distribution of, humanitarian assistance in the Central African Republic;

(n) *Expressing* the readiness of the Working Group to communicate to the Security Council pertinent information with a view to assisting the Council in the imposition of targeted measures on perpetrators;

II. The Government of the Central African Republic

(o) *Stressing* the primary role of the Government in providing protection and relief to all children affected by armed conflict in the Central African Republic, and calling upon the Government to include the protection of children as one of its national priorities and to strengthen child protection systems, including through birth and late birth registration;

(p) *Strongly encouraging* the Government to prioritize child protection in its national legislative framework, including through the adoption of a national law criminalizing the recruitment and use of children in violation of applicable international law and by expediting the ratification process for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

(q) *Emphasizing* the importance of ending impunity and calling upon the Government to ensure accountability for those responsible for violations and abuses against children by strengthening the national justice system, including through the establishment and operationalization of the Special Criminal Court;

III. Community and religious leaders in the Central African Republic

(r) *Emphasizing* the important role of community and religious leaders in strengthening the protection of children in armed conflict and fostering reconciliation efforts;

(s) *Urging* them to publicly condemn and advocate for ending and preventing violations and abuses against children, including on the basis of religion, and encouraging them to engage with the Government and the United Nations to support efforts to put an end to the recruitment and use of children in violation of applicable international law by all parties to armed conflict;

IV. All United Nations peacekeeping forces, including the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and non-United Nations forces currently or formerly present in the Central African Republic and relevant Member States

(t) *Expressing deep distress* over allegations of rape of children and sexual exploitation and abuse against children by United Nations peacekeepers and members of non-United Nations forces in the Central African Republic, and strongly condemning all acts of sexual exploitation and abuse;

(u) *Calling upon* the United Nations and relevant Member States to take appropriate measures to investigate allegations of sexual exploitation and abuse by their personnel and hold perpetrators accountable in line with resolution 2272 (2016), to ensure that child victims and witnesses are adequately protected during the investigation process and to facilitate access to medical and psychological support, as appropriate;

(v) *Urges* further efforts by relevant Member States to deliver robust pre-deployment training concerning sexual exploitation and abuse in accordance with the terms of their memorandums of understanding and other agreements with the United Nations;

(w) *Calling upon* all United Nations peacekeeping forces and non-United Nations forces in the Central African Republic to comply with applicable international law and to respect the civilian character of schools and hospitals, including their personnel, and to end and prevent the military use of schools and hospitals in violation of applicable international law.

Recommendations to the Security Council

9. The Working Group agreed to recommend that the President of the Security Council transmit a letter from the Chair of the Working Group addressed to the Government of the Central African Republic:

(a) *Recalling* previous Security Council resolutions in welcoming the peaceful organization of a constitutional referendum on 13 December 2015, and legislative and presidential elections in December 2015, February and March 2016 as well as the inauguration of the President, Faustin-Archange Touadera, on 30 March 2016;

(b) *Stressing* the primary role of the Government in providing protection and relief to all children affected by armed conflict in the Central African Republic, and calling upon the Government to include the protection of children as one of its national priorities and to strengthen child protection systems, including birth and late birth registration;

(c) *Expressing* its strongest condemnation of all continuing violations and abuses committed against children in the Central African Republic, and urging all parties to the armed conflict to immediately end and prevent all violations of applicable international law involving the recruitment and use of children, the killing and maiming of children, rape and other forms of sexual violence, abduction of children, attacks against schools and hospitals and denial of humanitarian access;

(d) *Emphasizing* the importance of ending impunity and calling upon the Government to ensure that all perpetrators of violations and abuses against children are held accountable through the strengthening of national justice systems, including by ensuring timely and systematic investigation and prosecution, and welcoming in this regard the promulgation of the statute of 3 June 2015 creating a Special Criminal Court and calling upon the Government to expedite the establishment and operationalization of the court;

(e) *Urging* the Government to expedite the ratification process for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

(f) *Strongly encouraging* the Government to prioritize child protection in its national legislative framework, including through the adoption of a national law criminalizing the recruitment and use of children in violation of applicable international law, and encouraging the Government to ensure that children associated with armed groups are treated primarily as victims;

(g) *Calling upon* the Government to ensure that disarmament, demobilization and reintegration (DDR) programmes and security sector reform (SSR) activities take into account the rights, specific needs and protection of children associated with armed forces and groups;

(h) *Welcoming* in this regard the approval of a disarmament, demobilization and reintegration (DDR) policy for children announced by the Ministry of Social Affairs in December 2015, calling upon the Government to swiftly implement and share this policy with international partners on the ground, including the United Nations;

(i) *Calling upon* the Government to establish strong age assessment mechanisms to prevent the recruitment and use of children in national security forces in violation of applicable international law and encouraging the Government to cooperate with the United Nations to prevent the recruitment and use of children, including by considering the use of existing United Nations age assessment guidelines, and to allow screening for underage recruitment by the United Nations;

(j) *Further urging* the Government to establish an effective vetting mechanism to ensure that no perpetrators of grave violations and abuses against children are integrated or recruited into national security forces, to include in its military training curriculum mandatory training for national security forces on child protection and to include the commission of crimes of sexual violence against children as a violation of the code of conduct of its security forces;

(k) *Calling upon* the Government to ensure that child protection concerns are taken into consideration within peace and reconciliation efforts and in the implementation of the recommendations of the May 2015 Bangui Forum, in

particular to ensure that children associated with armed groups are treated primarily as victims by future truth and reconciliation commissions,

(l) *Encouraging* the Government to prioritize sustainable reintegration opportunities for children affected by armed conflict, including instilling awareness within communities to avoid stigmatization of those children while ensuring that the specific needs of girls as well as children with disabilities and other particularly vulnerable children, inter alia, orphans and unaccompanied children, are addressed and that they are afforded equal reintegration opportunities;

(m) *Stressing the importance* of access to education and health care for children in the Central African Republic, commending the Government for its commitment to education and the protection of schools through its endorsement of the Safe Schools Declaration and calling upon them to ensure that schools, hospitals and related personnel are protected;

(n) *Inviting* the Government of the Central African Republic to keep the Working Group informed, as appropriate, of its efforts to implement the recommendations of the Working Group and the Secretary-General.

10. The Working Group agreed to recommend that the President of the Security Council transmit a letter from the Chair of the Working Group addressed to the Secretary-General:

(a) *Requesting* the Secretary-General to ensure that the country task force on monitoring and reporting in the Central African Republic and other relevant United Nations agencies continue their engagement and support to the Government of the Central African Republic to address violations and abuses against children in armed conflict;

(b) *Requesting* the Secretary-General to ensure that the country task force on monitoring and reporting continues its engagement with parties to conflict in line with resolution 1612 (2005) to advocate for the release and reintegration of children and facilitate the adoption of action plans to end and prevent violations and abuses against children, and encourage the country task force to continue its ongoing dialogue on the adoption of action plans with the UPC, RPRC and FPRC factions of the ex-Séléka;

(c) *Requesting* the Secretary-General to continue ensuring the effectiveness of the monitoring and reporting mechanism on children and armed conflict in the Central African Republic and of the child protection component of MINUSCA, including by ensuring that sufficient child protection capacities are allocated to the mission;

(d) *Welcoming* the directive issued by the Special Representative of the Secretary-General to the Central African Republic to the MINUSCA Force Commander and the Police Commissioner prohibiting the use of schools during the conduct of their activities and calling for the full implementation of the directive;

(e) *Expressing deep concern* over the continuing and serious allegations of sexual exploitation and abuse by United Nations peacekeepers in MINUSCA and by non-United Nations forces and requesting the Secretary-General to ensure the implementation of resolution 2272 (2016) and the full implementation of the United Nations zero tolerance policy;

(f) *Requesting* the Secretary-General to ensure that the matter of children and armed conflict is included as a specific element in all country-specific reports on the Central African Republic;

(g) *Requesting* the Secretary-General to disseminate the present document to the relevant entities within the United Nations system.

11. The Working Group agreed to recommend that the President of the Security Council transmit a letter to the Chair of the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic:

(a) *Recalling* paragraph 9 (c) of resolution 1998 (2011), in which the Security Council requested enhanced communication between the Working Group and relevant Security Council Sanctions Committees, including through the exchange of pertinent information on violation and abuses committed against children in armed conflict;

(b) *Welcoming* the convening of a joint briefing by the Special Representative of the Secretary-General for Children and Armed Conflict to the Working Group and the Committee on 11 December 2015, as well as the briefing to the Committee on 9 May 2014 and in this regard encouraging the continued sharing of relevant information by the Special Representative of the Secretary-General for Children and Armed Conflict with the Committee and the Working Group;

(c) *Welcoming* the designation for sanctions by the Committee, pursuant to resolution 2134 (2014), resolution 2196 (2015) and resolution 2262 (2016), between 9 May 2014 and 7 March 2016, of five individuals and one entity involved in the planning, directing or committing of acts that violate international human rights law or international humanitarian law, as applicable, or that constitute humans rights abuses or violations, and/or the recruitment and use of children in violation of applicable international law;

(d) *Encouraging* the Committee to continue to consider the designation for sanctions of other individuals and entities, in accordance with the rules and guidelines of the Committee.

12. The Working Group agreed to recommend the following to the Security Council:

(a) To ensure that the situation of children affected by armed conflict continues to be taken into account by the Security Council when discussing the mandate of MINUSCA and its activities;

(b) To ensure the continuation of and support for the implementation of a child protection mandate for MINUSCA, especially with regard to monitoring and reporting on violations and abuses committed against children in armed conflict as well as preventing such violations and abuses, including through training and the mainstreaming of child protection, to maintain child protection capacity and expertise within the Mission and, in this regard, to request a briefing on the consolidation of protection functions in MINUSCA and its impact on the child protection functions of the Mission for further consideration;

(c) To transmit the present document to the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic.

Direct action by the Working Group

13. The Working Group also agreed address letters from the Chair of the Working Group to the World Bank and other donors as follows:

(a) *Stressing* the critical needs of children in the Central African Republic and calling upon the international community to support the Government in developing and implementing national policies, programmes and initiatives to enhance the protection of children;

(b) *Requesting* in this regard the World Bank and other donors to provide flexible, predictable and adequate funding and support to the Government and relevant humanitarian and development partners, to strengthen child protection efforts, including:

(i) The establishment of age assessment mechanisms in the national security forces to prevent the recruitment and use of children in violation of applicable international law;

(ii) The development and implementation of sustainable multisectoral release and reintegration programmes for children formerly associated with armed groups, emphasizing the importance of psychosocial support, socioeconomic reintegration and community reconciliation as well as prevention of re-recruitment and use of children in the Central African Republic;

(iii) The bolstering of systems providing access to appropriate education and vocational training as well as health care and nutrition for all children affected by armed conflict, including girls, children with disabilities and other particularly vulnerable children, inter alia, orphans and unaccompanied children;

(iv) The establishment of birth and late birth registration as a means to prevent the recruitment and use of children in violation of applicable international law in the Central African Republic;

(v) The development and implementation of sustainable, long-term strategies to end and prevent sexual and gender-based violence against children in armed conflict in the Central African Republic, including by addressing the widespread social and economic vulnerability and the particular needs of girls and boys affected by the armed conflict;

(vi) The strengthening of national legal, judicial and governance mechanisms, particularly with regard to addressing impunity for violations and abuses against children in armed conflict, including through supporting the capacity of the criminal justice system and the establishment and operationalization of the Special Criminal Court;

(vii) The provision of technical assistance to build and strengthen the protection and response capacity of child protection personnel at both the governmental and non-governmental levels;

(viii) Systematic and adequately resourced monitoring and reporting activities by the United Nations and partners to identify trends and patterns in violations and abuses against children and related child protection priorities and enhance child protection programming accordingly, including supporting the implementation of and compliance with commitments and action plans to end and prevent violations and abuses against children;

(c) *Inviting* the World Bank and donors to keep the Working Group informed, as appropriate, of their funding and assistance efforts.